

Module 9

STEP 2

Congressional Study Resolution/ Authorization



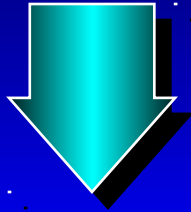
OBJECTIVES:

The module will discuss the following:

**How studies are
authorized by the Congress.**



STUDY INITIATION:



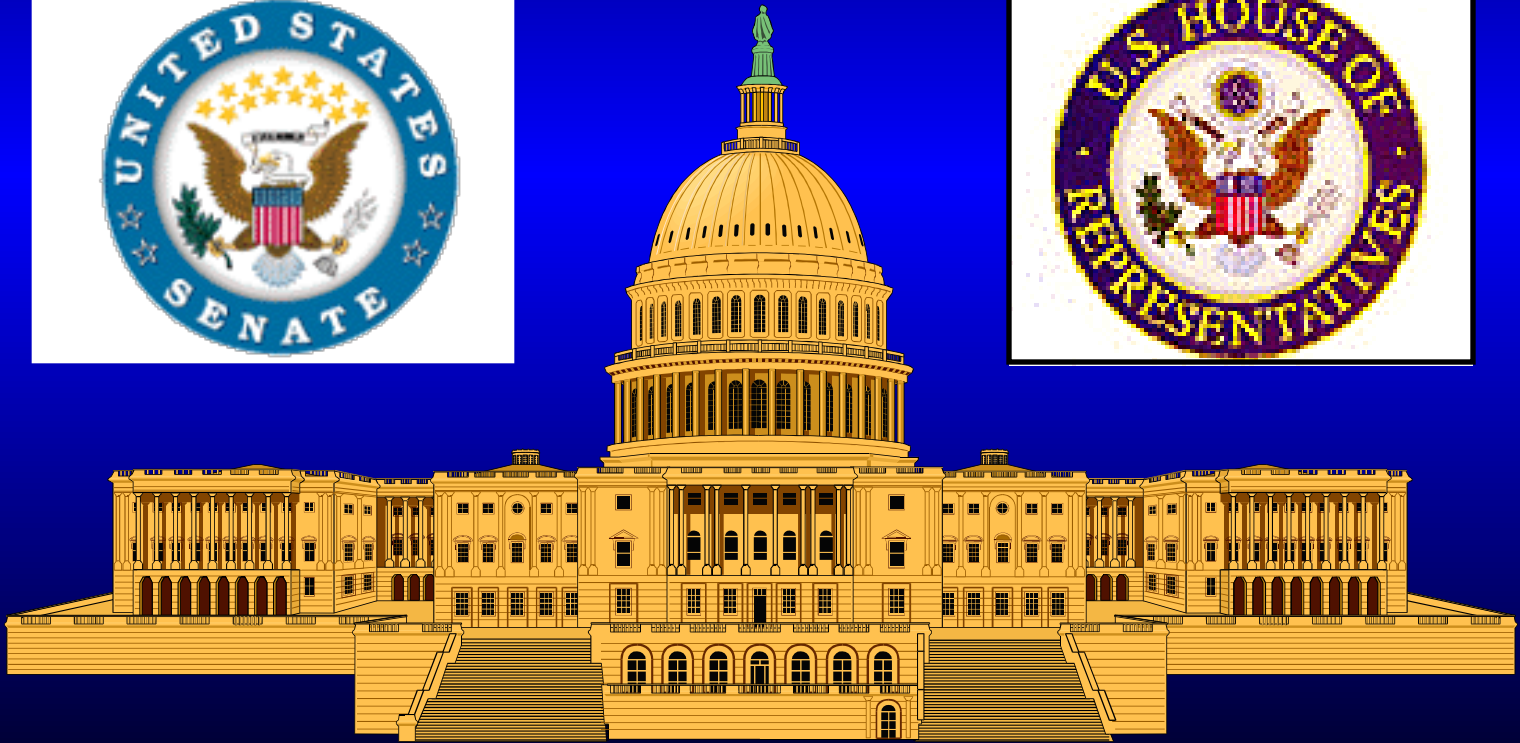
Study Initiation =



+ **Budget Authority**



Congress - Authority



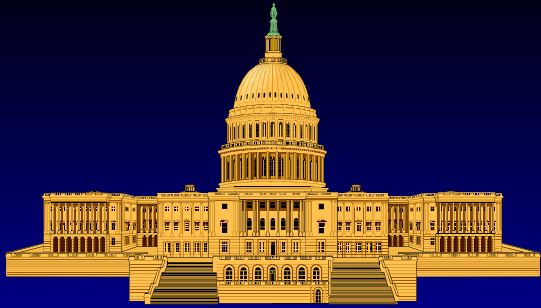
CONGRESSIONAL COMMITTEES:

**"Public Works" or
"Authorization Committees"**



SENATE - Committee on
Environment and Public
Works

HOUSE - Committee on
Transportation and
Infrastructure



112th Congress = CONGRESSIONAL AUTHORIZATION COMMITTEES



SENATE - Committee on Environment and Public Works

? - Chairman

? - Ranking



SENATE - Subcommittee on Transportation & Infrastructure

Members

HOUSE - Committee on Transportation & Infrastructure

? - Chairman ? - Ranking



HOUSE - Subcommittee on Water Resources & Environment

Members

RESPONSIBILITY SHARING:

“In authorizing Federal participation in water resources development projects, Congress seeks to maintain a reasonable balance between the powers of the Federal government and those retained by the States, local governmental entities, and private enterprise.”

Digest, 1-2, paragraph

Policy

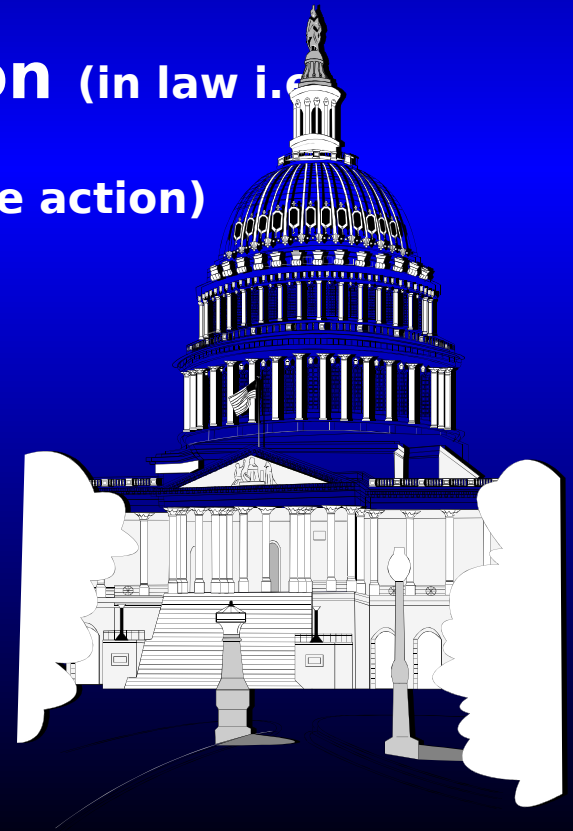


Types of Authorizations:

□ Legislative Actions:

- **Study Specific Authorization** (in law i.e. WRDA)
- **Study Resolution** (by committee action)

□ “Standing” or Program Authorities



Study Specific Authority:

▮ Water Resources Development Acts

(known as “WRDA”)

- ▮ Watershed, Site-specific or General
- ▮ Examples: Water Resources Development Acts of 1986, 1988, 1990, 1992, 1996, 1999, 2000 & 2007
- ▮ Disadvantages: *Supposedly* every two years

WRDA Bill - Example

Water Resources Development Act
of 1996 -

Section 413- West Dade, Florida
Reconnaissance Study Authority

(b) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to the Santa Barbara Flood Control District with respect to implementation of the plan to be prepared under subsection (a).

SEC. 410. SOUTHERN CALIFORNIA INFRASTRUCTURE.

(a) **ASSISTANCE.**—Section 116(d)(1) of the Water Resources Development Act of 1990 (104 Stat. 4623) is amended—

(1) in the heading of paragraph (1) by inserting "AND ASSISTANCE" after "STUDY"; and

(2) by adding at the end the following: "In addition, the Secretary shall provide technical assistance to non-Federal interests in developing potential infrastructure projects. The non-Federal share of the cost of the technical assistance shall be 25 percent."

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 116(d)(3) of such Act is amended by striking "\$1,500,000" and inserting "\$3,000,000".

SEC. 411. STOCKTON, CALIFORNIA.

(a) **BEAR CREEK DRAINAGE AND MORMON SLOUGH/CALAVERAS RIVER.**—The Secretary shall conduct a review of the Bear Creek Drainage, San Joaquin County, California, and the Mormon Slough/Calaveras River, California, projects for flood control authorized by section 10 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 901), to develop a comprehensive plan for additional flood damage reduction measures for the city of Stockton, California, and surrounding areas.

(b) **FARMINGTON DAM, CALIFORNIA.**—

(1) **CONJUNCTIVE USE STUDY.**—The Secretary shall continue participation in the Stockton, California, Metropolitan Area Flood Control Study, including an evaluation of the feasibility of storage of water at Farmington Dam and implementation of a conjunctive use plan.

(2) **CONSULTATION.**—In conducting the study, the Secretary shall consult with the Stockton East Water District concerning joint operation or potential transfer of Farmington Dam.

(3) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to Congress—

(A) concerning the feasibility of a conjunctive use plan using Farmington Dam for water storage; and

(B) containing recommendations on facility transfers and operational alternatives.

(4) **WITHOUT PROJECT CONDITION.**—In conducting the Stockton, California, Metropolitan Area Flood Control Study, the Secretary shall consider the physical flood control and water supply facilities as they existed in January 1995 as the "without project" condition.

SEC. 412. YOLO BYPASS, SACRAMENTO-SAN JOAQUIN DELTA, CALIFORNIA.

The Secretary shall study the advisability of acquiring land in the vicinity of the Yolo Bypass in the Sacramento-San Joaquin

Delta, California, for the purpose of environmental mitigation for the flood control project for Sacramento, California, and other water resources projects in the area.

SEC. 413. WEST DADE, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in using the West Dade, Florida, reuse facility to improve water quality in, and increase the supply of surface water to, the Everglades in order to enhance fish and wildlife habitat.

SEC. 414. SAVANNAH RIVER BASIN COMPREHENSIVE WATER RESOURCES STUDY.

(a) **IN GENERAL.**—The Secretary shall conduct a comprehensive study to address the current and future needs for flood damage prevention, reduction, water supply, and other related water resources needs in the Savannah River Basin.

(b) **SCOPE.**—The scope of the study shall be limited to an analysis of water resources issues that fall within the traditional civil works mission of the Corps of Engineers.

(c) **COORDINATION.**—Notwithstanding subsection (b), the Secretary shall ensure that the study is coordinated with the Environmental Protection Agency and the ongoing watershed study of the Savannah River Basin by the Agency.

SEC. 415. CHAIN OF ROCKS CANAL, ILLINOIS.

The Secretary shall complete a limited reevaluation of the authorized St. Louis Harbor Project in the vicinity of the Chain of Rocks Canal, Illinois, consistent with the authorized purposes of that project, to include evacuation of waters collecting on the land side of the Chain of Rocks Canal East Levee.

SEC. 416. QUINCY, ILLINOIS.

(a) **STUDY.**—The Secretary shall study and evaluate the critical water infrastructure of the Fabius River Drainage District, the South Quincy Drainage and Levee District, the Sny Island Levee Drainage District, and the city of Quincy, Illinois—

(1) to determine if additional flood protection needs of such infrastructure should be identified or implemented

(2) to develop a definition of critical water infrastructure;

(3) to develop evaluation criteria; and

(4) to enhance existing geographic information system databases to encompass relevant data that identify critical water infrastructure for use in emergencies and in routine operation and maintenance activities.

(b) **CONSIDERATION OF OTHER STUDIES.**—In conducting the study under this section, the Secretary shall consider the recommendations of the Interagency Floodplain Management Committee Report, the findings of the Floodplain Management Assessment of the Upper Mississippi River and Lower Missouri Rivers and Tributaries, and other relevant studies and findings.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with recommendations regarding each of the objectives of the study described in paragraphs (1) through (4) of subsection (a).

EXAMPLE

Study Resolutions -

~~GENERAL:~~
~~GENERAL:~~

River and Harbor Act of 1912 (25
July 1912)



**Section 3 authorizes the
examination and review previous
reports on request by Committee**

Study Resolution Process:

- Step 1 - Community meets with Congressional member about a water resource problem(s)



- Step 2 - Member asks the Senate or House authorization committee(s) for study resolution/ authority.
- Step 3 - Committee Chairman sends request to Corps Headquarters
- Step 4 - District provides information requested.

Study Resolution Process:

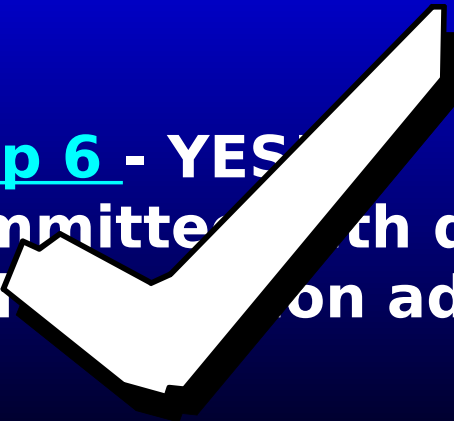
(cont'd)

- ▮ **Step 5** - Determine answers to two questions:
 - ▮ Have we studied the problem before?
 - ▮ Is there a previous Chief of Engineers Report or House/Senate Document?

???



- ▮ **Step 6** - YES! HQUSACE responds to Committee with draft study resolution and action adopted!



Study Resolution Process:

(cont'd)

 **Step 7 - NO!** Once the Committee responds to the request, the Committee must determine that a specific study and/or action is required to initiate the

ADVANTAGE: Study resolutions can be adopted at anytime by the Committees!

Request Letter - Example

Belmont and Jefferson
Counties, Ohio

Cong. Douglas

Applegate

JIM ANDERSON California
 NIMMY A. California
 MINER*AP Minnesota
 JIM NOWAK New York
 JOE RANALL West Virginia
 DOUGLAS APPLEGATE Ohio
 RON DE LUCA Virgin Islands
 GUS SAVAGE Illinois
 ROBERT A. BORSK Pennsylvania
 JOE KOLTER Pennsylvania
 TIM VALENTINE North Carolina
 WILLIAM D. LIPINSKI Illinois
 JAMES A. TRAFICANT JR. Ohio
 JOHN LEWIS Georgia
 PETER A. DEFAZIO Oregon
 JIMMY HAYES Louisiana
 BOB CLEMEN Tennessee
 LEWIS F. PAYNE Jr. Virginia

JERRY F. COSTELLO Illinois
FRANK PALLONE Jr. New Jersey
BEN JONES, Georgia
MIKE PARKER Mississippi
GREG LAUGHLIN Texas
PETE GEREN Texas
GEORGE E. SANGMEISTER Illinois
GLENN POSHARD Illinois
DICK SWETT New Hampshire
BILL K. BREWSTER Oklahoma
BUD CRAMER Alabama
ROSA J. DELAURD Connecticut
JOAN KELLY-GAN Missouri
BARBARA ROSE COLLINS Maryland
PETE PETERSON Florida
ELEANOR HOLMES MORTON
District of Columbia
LUCIEN E. BLACKWELL Pennsylvania

JOHN S DOYLE JR Chief of Staff
SANTO ESPOSITO Chief Counsel

SUITE 2165 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6256
(202) 225-4472

JOHN PAUL HAMMERSCHMIDT 2/24/53
RANKING MINORITY MEMBER

BUD SHUSTER Pennsylvania
WILLIAM F. CUNGER Jr. Pennsylvania
THOMAS E. PETER Wisconsin
RON PACKARD California
SHERWOOD BOEHLER New York
HELEN DELCH BENTLEY Maryland
JAMES M. AHOFE California
CAROL BAILEY North Carolina
E. L. EMERSON Missouri
JOHN D. HUNGAN Jr. Tennessee
MEL W. BUCKLEK Wisconsin
CHRISTOPHER COX California
SUSAN MOLNAR New York
DAVID L. HOBSON Ohio
FRANK D. RIGGS California
CHARLES W. TAYLOR North Carolina
DICK NICHOLS Kansas
WILLIAM A. ZIEGLER New Hampshire
THOMAS W. E. G. JONES
PAUL E. GILLMORE Ohio

doi:10.1371/journal.pone.0142155.g002

Lieutenant General H. J. Hatch
Chief of Engineers
Department of the Army
Attn.: CECG
20 Massachusetts Avenue, N.W.
Washington, D.C. 20314-1000

The Committee has been requested to adopt a resolution directing the Corps of Engineers to make a study of the above subject and requests your comments on the proposed study.

Warmest personal regards.

Sincerely,

~~ROBERT A. ROE~~
Chairman

RAR:kr

Study Resolution - Example

Committee on Environment and
Public Works - Senate

Metropolitan St. Louis, Missouri

United States Senate
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

Cumulative Flooding Impacts Study, Metropolitan St. Louis, Missouri

That the Secretary of the Army is requested to review the report of the Chief of Engineers on the Mississippi River between Coon Rapids Dam, Minnesota, and the mouth of the Ohio River, published as House Document 669, 76th Congress, 3rd Session, and other pertinent reports to determine whether modification of the recommendations contained therein are advisable at the present time, to study the cumulative impacts of floodplain development, including transportation and infrastructure, navigation structures, and flood control structures, in the immediate area and both upstream and downstream, on flooding elevations in St. Louis City, Franklin, St. Charles, St. Louis, and Jefferson Counties in Missouri and Calhoun, Jersey, Madison, St. Clair, and Monroe Counties in Illinois, including the potential for impacts induced by future development. Such study shall result in a report that the Secretary shall submit to Congress not later than three years after initial appropriations. The study shall be conducted in consultation with appropriate Federal, state, and local agencies and with hydrologic and hydraulic experts in academic institutions and non-governmental organizations.


Chairman


Ranking Minority Member

Program Authorities:

- ▢ Also known as “Standing” authorities!
- ▢ Continuing Authorities Program (CAP)
 - ▢ Sections 107, 205, 14, 1135, 204, 206, 103, 208, etc.
- ▢ Section 216 - Flood Control Act of 1970

Study Deauthorization:

▮ Section 710 - Water Resources Development Act of 1986

- ▮ Annual list to Congress of authorized but incomplete preauthorization feasibility studies which have not been funded in preceeding 5 years.
- ▮ Congress has 90 days after submission to appropriate funds for study on list...if not, study is deauthorized

How A Bill Becomes Law

FYI!

Bill introduction

How a Bill Becomes a Law

House

Bill is introduced by a member and assigned to a committee, which usually refers it to a subcommittee.

Senate

Bill is introduced by a member and assigned to a committee, which usually refers it to a subcommittee.

Committee action

Subcommittee

Subcommittee performs studies, holds hearings, and makes revisions. If approved, the bill goes to the full committee.

Subcommittee

Subcommittee performs studies, holds hearings, and makes revisions. If approved, the bill goes to the full committee.

Committee

Full committee may amend or rewrite the bill before deciding whether to send it to the House floor. Reported bills are then placed on the calendar.

Committee

Full committee may amend or rewrite the bill before deciding whether to send it to the Senate floor. Reported bills are then placed on the calendar.

Rules Committee

Rules Committee issues a rule governing debate on the House floor and sends the bill to the full House.

Leadership

Senate leaders of both parties schedule Senate debate on the bill.

Floor action

Full House

Bill is debated by full House, amendments are offered, and a vote is taken. If the bill passes in a different version from that passed in the Senate, it may be sent to a conference committee.

Full Senate

Bill is debated by full Senate, amendments are offered, and a vote is taken. If the bill passes in a different version from that passed in the House, it may be sent to a conference committee.

Conference action

Conference Committee

Conference committee composed of members of both House and Senate meet to iron out differences between the bills. The compromise bill is returned to both the House and Senate floor for a vote.

Full House

Full House votes on conference committee version. If it passes, the bill is sent to the President.

Full Senate

Full Senate votes on conference committee version. If it passes, the bill is sent to the President.

Presidential action

President

President signs or vetoes the bill. Congress may override a veto by a two-thirds vote in both the House and Senate.

SUMMARY:

- ▢ **To start a study - Need authority!**
- ▢ **Authority from Congress; House or Senate**
- ▢ **Authorizations:**
 - ▢ **Legislative**
 - ▢ **Study Specific - in law**
 - ▢ **Study Resolution - by Committee**
 - ▢ **“Standing”**

